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THE ADMINISTRATION OF JUSTICE AND THE HUMAN RIGHTS OF DETAINEES: QUESTION OF HUMAN RIGHTS AND STATES OF EMERGENCY

Fifth revised annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy, Special Rapporteur appointed pursuant to Economic and Social Council resolution 1985/37

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* This document is a revised and updated version, for presentation to the Commission on Human Rights at its forty-ninth session, of the fifth annual report submitted to the Sub-Commission at its forty-fourth session (E/CN.4/Sub.2/1992/23).

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Introduction

1. By resolution 10 (XXX) of 31 August 1977, the Sub-Commission on Prevention of Discrimination and Protection of Minorities expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Convinced that a connection existed between such application and the situation regarding human rights in the said countries, it considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was presented by Ms. Nicole Questiaux at the thirty-fifth session of the Sub-Commission (E/CN.4/Sub.2/1982/15).

2. In resolution 1983/18, the Commission on Human Rights requested the Sub-Commission to propose for the Commission's consideration measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially respect for those rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights.

3. By resolution 1983/30, the Sub-Commission decided to include in its agenda an item entitled "Implementation of the right of derogation provided for under article 4 of the International Covenant on Civil and Political Rights and violations of human rights". 1/

4. At the Sub-Commission's request, the Economic and Social Council, by resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30.

5. The mandate of the Special Rapporteur for that task, Mr. Leandro Despouy, as laid down in these resolutions as well as in subsequent Sub-Commission resolutions 1985/32, 1987/25, 1988/24, 1989/28, 1990/19 and 1991/18, includes the following main tasks: (a) to draw up and update annually a list of countries which proclaim or terminate a state of emergency; (b) to examine, in annual reports, questions of compliance by States with internal and international rules guaranteeing the legality of the introduction of a state of emergency; (c) to study the impact of emergency measures on human rights; (d) to recommend concrete measures with a view to guaranteeing respect for human rights in situations of state of siege or emergency.

6. The Special Rapporteur has presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third and fourth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1).

7. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were continued in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

8. By its decision 1992/107, the Commission on Human Rights, taking note of Sub-Commission resolution 1991/18, recommended to the Economic and Social Council to endorse the request by the Sub-Commission to Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list on states of emergency and to include in his annual report to the Sub-Commission and the Commission on Human Rights the completed draft standard provisions on emergency situations, giving special emphasis to the question of non-derogable rights. This recommendation was endorsed by the Economic and Social Council in its decision 1992/249.

9. In pursuance of this decision, as well as of other pertinent resolutions of the Commission on Human Rights and the Sub-Commission, the Special Rapporteur presented to the Sub-Commission, at its forty-fourth session, his fifth annual report (E/CN.4/Sub.2/1992/23).

10. In its resolution 1992/22, the Sub-Commission invited the Special Rapporteur, inter alia, to update his fifth report so that the Commission on Human Rights, at its forty-ninth session, would have before it the most recent and accurate information available. The present revised and updated version of the fifth report has been prepared in pursuance of that resolution for presentation to the Commission on Human Rights at its forty-ninth session.

I. LIST OF STATES WHICH, SINCE 1 JANUARY 1985, HAVE PROCLAIMED, EXTENDED OR TERMINATED A STATE OF EMERGENCY

11. By drawing up this list of States which have proclaimed, extended or terminated a state of emergency, the Special Rapporteur has endeavoured, within the limits of the information available to him, to give the Sub-Commission and the Commission as complete a picture as possible of the world situation regarding states of emergency since 1 January 1985. The present composite list contains a summary of information which had already been included in his four previous reports as well as new information received from Governments, United Nations bodies and other intergovernmental organizations, communicated by non-governmental organizations in consultative status with the Economic and Social Council and published in the press since November 1991, when his fourth revised report was issued.

12. The purpose of this recapitulation is to give an overall view of the world situation regarding states of emergency and at the same time to improve the list prepared by the Special Rapporteur. To that end, it is essential to benefit once more from the cooperation of the Governments concerned, the non-governmental organizations and all those in a position to supply reliable information capable of correcting errors or remedying gaps which may exist in that list.

13. According to the information available to the Special Rapporteur, in the following 80 States and territories, since 1 January 1985, measures have been taken which constituted the proclamation, extension, maintenance or termination of emergency regimes in various forms: 2/

Afghanistan: State of emergency proclaimed on 19 February 1989. Lifted on 28 May 1990.

Sources: Interim reports on the situation of human rights in Afghanistan, prepared by Mr. F. Ermacora, Special Rapporteur of the Commission on Human Rights (documents A/44/669, para. 20 (e), and A/45/664, para. 36).

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Algeria:* State of siege proclaimed on 6 October 1988. Terminated on 12 October 1988.

State of siege decreed on 5 June 1991 for a period of four months. Terminated on 29 September 1991.

Sources: Letter from the Government dated 28 April 1989; Notifications of Government to the United Nations Secretary-General dated 19 June and 3 October 1991.

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* An asterisk accompanying the name of a country or a territory indicates that the state of emergency there is still in force.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

State of emergency proclaimed on 9 February 1992 for a duration of 12 months.

Sources: Notifications of the Government to the United Nations Secretary-General dated 13 February 1992.

Argentina: State of siege proclaimed on 25 October 1985 for 60 days. Terminated on 7 December 1985.

Sources: Letter from the Government dated 12 August 1987.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 45, 49, 56 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27).

State of siege proclaimed on 29 May 1989 for 30 days. Lifted on 27 June 1989.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 June 1989 and 11 July 1989.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Armenia: Since 15 January 1990, a state of emergency has been in force in the Gorissa region of the Armenian SSR.

Sources: Notification of the Government of the USSR to the United Nations Secretary-General dated 16 January 1990.

On 29 August 1990, a state of emergency was declared and a curfew introduced throughout the republic. Lifted on 16 August 1991.

Sources: Information received from a non-governmental organization and published in the press.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 16 December 1991, a state of emergency was declared and a curfew introduced in the Meghri region of Armenia for a period of three months.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of Armenia, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

On 19 June 1992, the state of emergency in the Meghri and Kapan regions of southern Armenia was reinstated for another three months.

Sources: Letter from the Government dated 10 July 1992, received in reply to Special Rapporteur's request for information.

Azerbaijan:* State of emergency imposed in the Nagorno-Karabakh autonomous region and Agdam district of the Azerbaijan SSR as of 21 September 1988. Since 15 January 1990, a state of emergency has been in force in the territory of the Nagorno-Karabakh autonomous region, the regions of the Azerbaijan SSR adjacent thereto, and the border zone along the state frontier of the USSR in the territory of the Azerbaijan SSR.

On 20 January 1990, a state of emergency was declared in the city of Baku. Lifted in August 1991.

In June 1990, a state of emergency was introduced in Azerbaijan SSR along its border with Armenian SSR.

Sources: Notifications of the Government of the USSR to the United Nations Secretary-General dated 13 October 1988, 15 and 19 January 1990; information published in the press.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, annex I; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 14 May 1992, a state of emergency was decreed for a period of two months and a curfew introduced in the city of Baku.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of the Azerbaijan Republic, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Bangladesh: Martial law proclaimed on 24 March 1982. Terminated on 10 November 1986.

State of emergency declared on 27 November 1990. Lifted on 6 December 1990.

Sources: Letter from the Government dated 22 July 1987; information received from non-governmental organizations and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, doc. E/CN.4/Sub.2/1988/Rev.1, paras. 18 and 27; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Bolivia: State of emergency proclaimed on 18 September 1985. Terminated on 19 December 1985.

State of emergency proclaimed on 27 August 1986. Terminated on 27 November 1986.

State of emergency proclaimed on 15 November 1989. Terminated on 15 February 1990.

Sources: Notifications of the Government to the United Nations Secretary-General dated 27 September and 29 October 1985, 6 January, 28 August and 28 November 1986, 16 November and 8 December 1989 and 18 March 1990.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 27 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Bosnia-Herzegovina:* Admitted to the United Nations on 22 May 1992, this newly emerged State found itself in a de facto state of emergency at the moment of its transition to independence. The Special Rapporteur awaits more precise information to be submitted by the Government.

Brunei Darussalam:* State of emergency proclaimed on 12 December 1962. Still in force.

Sources: Letters from the Government, latest dated 4 April 1991.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I: Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Burkina Faso: Succession of emergency regimes and situations comparable to states of emergency since November 1980.

Sources: Letter from the Government dated 30 April 1991.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Cameroon: State of emergency proclaimed on 18 April 1984. Lifted on 19 December 1991.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Canada: State of emergency declared on 23 July 1989 throughout the province of Manitoba. Terminated on 4 August 1989.

Sources: Letter from the Government dated 24 August 1989.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Chad: No state of emergency has been formally proclaimed since 1 January 1985. However, a decree dated 7 April 1988 restricted for one week the realization of some human rights and fundamental freedoms.

Sources: Letters from the Government dated 20 July 1988 and 5 February 1991.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 25; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Chile: Proclamation of state of siege (from 7 November 1984 to 17 June 1985 and from 8 September 1986 to 5 January 1987), state of emergency (from 24 March 1984 to 27 August 1988) and state of danger of disturbance of internal peace (from 11 March 1981 to 27 August 1988).

Sources: Notifications of the Government to the United Nations Secretary-General dated, inter alia, 17 June 1985, 22 September 1986, 20 January 1987 and 31 August 1988; letters from the Government dated 10 August 1989 and 21 February 1991.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 41 and annex I; doc. E/CN.4/Sub.2/1987/19/Rev.1/Add.1, annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18, 22, 27, 28 and 71; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

China: Martial law imposed in Lhasa, Tibet, on 8 March 1989. Lifted on 1 May 1990.

Martial law imposed in Beijing on 20 May 1989. Lifted on 11 January 1990.

Sources: Letters from the Government dated 8 May and 15 August 1989. Letter dated 12 January 1990 from the Permanent Representative of China (reproduced in doc. E/CN.4/1990/55); information received from non-governmental organizations and other information published in the press.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Colombia: State of siege proclaimed on 1 May 1984. Lifted on 7 July 1991.

Sources: Notifications of the Government to the United Nations Secretary-General dated 7 May and 11 December 1984 and 9 August 1991; letters from the Government dated 21 December 1987, 13 July 1988, 18 April 1989 and 16 September 1991.

State of internal disturbance was decreed from 10 to 16 July 1992.

Sources: Letter from the Government dated 24 July 1992.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 44; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2,para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Croatia:* Admitted to the United Nations on 22 May 1992, this newly emerged State found itself in a de facto state of emergency at the moment of its transition to independence. The Special Rapporteur awaits more precise information to be submitted by the Government.

Djibouti: On 16 November 1991, a curfew was introduced in the district of Obock.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

Ecuador: Repeated proclamation of state of national emergency (14 to 17 March 1986, 28 to 30 October 1988, 31 May to 1 June 1988 and 27 September to 13 October 1989).

Sources: Letters from the Government (latest dated 12 January 1990); notifications of the Government to the United Nations Secretary-General dated 14 and 18 March 1986, 28 and 30 October 1987, 1 and 2 June 1988 and 2 August 1989.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 28 and annex I; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Egypt:* State of emergency has been in force since 6 October 1981. It was extended for a three-year period from 1 May 1988 to 31 May 1991.

Sources: Letter from the Government dated 28 March 1991; information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 1 June 1991, martial law was extended for another three years.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

El Salvador: Suspension of certain constitutional guarantees since 6 March 1980. Successive extensions of martial law in 1984-1985. Termination of state of emergency on 12 January 1987. Further suspension of constitutional guarantees on 12 November 1989 for 30 days, subsequently extended until mid-April 1990.

Sources: Notifications of the Government to the United Nations Secretary-General dated 3 November 1983, 14 June 1984, 31 July 1985, 13 November 1989 and 5 January 1990; letters from the Government, latest dated 18 August 1989; information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 41 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24 and annex I; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Ethiopia: The existence of a de facto state of emergency for quite some time has been reported. Since May 1988, state of emergency has been in force in the regions of Tigray and Eritrea. Terminated in May 1991.

In May 1991, a curfew was introduced in Addis Ababa. Lifted on 31 May 1992.

Sources: Statement by the observer for Ethiopia at the forty-fourth session of the Sub-Commission, on 19 August 1992; Information received from non-governmental organizations and published in the press.**

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Fiji: State of public emergency proclaimed on 14 May 1987. Terminated on 5 December 1987.

Sources: Letters from the Government dated 6 November and 7 December 1989.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

France: State of emergency proclaimed in New Caledonia and dependencies on 12 January 1985. Extended until 30 June 1985.

State of emergency proclaimed in Wallis and Futuna on 29 October 1986. Terminated on 30 October 1986.

Sources: Notification of the Government to the Secretary-General of the Council of Europe; letter of the Government dated 9 July 1987.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 49 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

** See also paragraphs 39 and 40 below.

Gabon: State of siege introduced in the province of Port-Gentil. Curfew in force since May 1990. Terminated in August 1990.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Gambia: State of emergency proclaimed on 2 August 1981. Terminated on 8 February 1985.

Sources: Information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, annex I;Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 27; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Georgia:* On 18 July 1989, a "special regime of conduct for citizens" was introduced in Abkhaz autonomous republic.

On 12 December 1990, a state of emergency was introduced and subsequently extended in Tskhinvali and Dzhavski district (South Ossetia).

In September 1991, a state of emergency was introduced in Tbilisi, the capital city of Georgia.

Sources: Information received from a non-governmental organization; information published in the press.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

In January 1992, a state of emergency was declared and a curfew introduced in Kutaisi and several districts of western Georgia.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of Georgia, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Haiti:* State of siege proclaimed on 29 January 1986. Terminated on 14 February 1986.

Sources: Letters of the Government dated 10 June 1987 and 16 March 1989.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 41 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 24).

State of siege introduced on 20 January 1990. Lifted on 30 January 1990.

Sources: Commission on Human Rights resolution 1990/56 of 7 March 1990; Reports on human rights situation in Haiti prepared by Mr. P. Texier, Independent Expert (doc. E/CN.4/1990/44/Add.1, paras. 1 and 20; E/CN.4/1991/33, paras. 3, 11 and 125).

In September 1991, following the military action, a curfew was introduced in Port-au-Prince. In a letter dated 22 October 1991 addressed to the Government of Haiti, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights. 3/

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Honduras: State of emergency proclaimed on 8 April 1988. Terminated on 13 April 1988.

Sources: Information received from non-governmental organizations and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

India: The Special Rapporteur awaits more precise information from the Government concerning the measures taken in Kashmir, Punjab, areas in the north-east and in Andhra Pradesh, where, according to non-governmental sources, certain constitutional guarantees were said to have been suspended under special laws which in effect established a continuing state of emergency. It was also reported in the press that curfews had been imposed for short periods in some other regions as well.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Iraq: The Special Rapporteur awaits information from the Government concerning the emergency measures taken during the armed conflict and afterwards, as well as in connection with the events that have taken place in the Kurdish provinces.

Sources: Reports on the situation of human rights in Iraq, prepared by Mr. Max van der Stoel, Special Rapporteur of the Commission on Human Rights (doc. A/46/647, para. 60; E/CN.4/1992/31, paras. 22-39 and 151); Note verbale dated 3 July 1991 from the Permanent Mission of Iraq to the Centre for Human Rights (reproduced in doc. E/CN.4/Sub.2/1991/51).

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Israel:* State of emergency in force since May 1948.

Sources: Letter from the Government dated 28 May 1991.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1/Add.2, chapter V; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Territories occupied by Israel:* Emergency legislation in force.

Sources: United Nations reports; information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.**

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Jordan: Martial law declared on 5 June 1967.

According to a non-governmental source, the Government's decision to repeal the martial law has been endorsed by the royal decree of 7 July 1991.

Sources: Reports of Jordan to the Human Rights Committee (doc. CCPR/C/1/Add.55, CCPR/C/1/Add.56 and CCPR/C/46/Add.4); information received from non-governmental organizations.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Kazakhstan: On 19 June 1989, a curfew was introduced in the town of Novy Uzen, Guriev district. Lifted on 24 July 1989.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

** See also paragraphs 41 and 42 below.

Kenya: According to a non-governmental source, a long-term state of emergency has been in effect in the north-eastern part of the country until the beginning of 1992. The Special Rapporteur awaits more precise information to be submmitted by the Government, especially with regard to the emergency-type detention law currently in force.

Kuwait: Emergency regime introduced for a few days after the withdrawal of Iraqi troops.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Kyrgyzstan: On 4 and 7 June 1990, a state of emergency was introduced and a curfew imposed in Osh town and in Osh region. Partially lifted on 14 September 1991.

From 7 June to 21 November 1990, a state of emergency was in force in the capital, Frunze (now renamed Bishkek).

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Lesotho: State of emergency declared on 25 February 1988. Reinstated on 2 May 1988. Lifted in early 1990.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Second report, doc. E/CN.4/Sub.2/1988/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Liberia:* Suspension of certain constitutional guarantees since July 1990. Curfew enforced in the capital.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Madagascar:* State of emergency declared on 23 July 1991 and subsequently extended. Curfew enforced in the capital.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Malawi: Emergency legislation in force since 1965 which expressly provides for preventive detention.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

Malaysia: State of emergency throughout the country proclaimed on 15 May 1969. Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 30, 41 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Mali:* State of emergency declared on 22 March 1991.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Mauritania: A curfew was introduced in rural areas of the south. A de facto state of emergency has been reported to exist in the Senegal river valley. In October 1992, a curfew was enforced in the capital.

Sources: Information published in the press and received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Moldova:* From 26 October to 6 December 1990, a state of emergency was in force in several southern districts.

On 16 March 1992, a "special situation" regime was introduced on the left bank of Dnestr river.

Sources: Information received from a non-governmental organization and published in the press. In a letter dated 19 May 1992, addressed to the Government of Moldova, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

On 28 March 1992, a state of emergency was decreed in the whole territory of the Republic. Lifted on 19 August 1992.

Sources: Letter from the Government dated 25 June 1992, received in reply to the Special Rapporteur's request for information.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Myanmar:* State of emergency proclaimed at Prome on 22 July 1988 and in the Yangon (Rangoon) region on 3 August 1988. Terminated on 24 August 1988.

Martial law introduced on 18 September 1988 and is still in force. By end of May 1990, it was lifted in 102 townships.

The curfew imposed on 10 October 1990 was lifted on 10 September 1992.

On 26 September 1992, two martial law orders dated 17 and 18 July 1989 were revoked.

Sources: Letters from the Government dated 29 May and 24 August 1987, 16 May and 17 August 1989, 26 January, 21 March, 7 May and 14 June 1990, 4 March 1991 and 18 August and 28 September 1992; information received from non-governmental organizations.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18, 20 and 28; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Nicaragua: State of emergency was in force, with brief interruptions, from 15 March 1982 to 19 January 1988, and from 20 October to 15 November 1988.

Sources: Notifications of the Government to the Secretary-General of the United Nations, latest dated 4 February, 21 October and 16 November 1988.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 27 and annex I; doc. E/CN.4/Sub.2/1987/19/Rev.1/Add.2, annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27 and Annex I; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Nigeria: State of emergency proclaimed on 31 December 1983.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

Pakistan: Martial law was in force from 5 July 1977 to 30 December 1985.

State of emergency proclaimed on 17 August 1988. Terminated on 1 December 1988.

Sources: Letters from the Government, latest dated 24 October and 5 December 1989.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 22, 30, 41 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Panama: State of emergency proclaimed on 10 June 1987. Terminated on 29 June 1987.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 11 and 30 June 1987.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Papua New Guinea: State of emergency proclaimed on 17 June 1985. Terminated on 21 October 1985.

State of emergency declared on 26 June 1989. On 12 January 1990 extended for a further two months.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Paraguay: State of siege, which had been in force since 1954, was terminated on 9 April 1987.

Sources: Letters from the Government, latest dated 27 April 1987 (reproduced in doc. E/CN.4/Sub.2/1987/18).

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 40 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 27; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Peru:* State of emergency is currently in force in a considerable part of the territory; extension of states of emergency in certain provinces and departments and declaration of new states of emergency are periodically reported.

Sources: Notifications of the Government to the United Nations Secretary-General (latest dated 15 March and 20 June 1991); letters from the Government addressed to the Centre for Human Rights (latest dated 1 and 23 October, 4 and 13 November 1991, 15, 21, 23 and 27 January, 16, 18 and 27 March, 3 April and 25 August 1992).

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 43 and annex I; doc. E/CN.4/Sub.2/1987/19/Rev.1/Add.1, annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 24 and Annex I; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 5 April 1992, the President of the Republic has dissolved the Parliament and suspended, temporarily and partially, the Constitution throughout the territory of Peru.

Sources: Information published in the press and communicated to the Special Rapporteur by the Permanent Mission of Peru in Geneva.** The Special Rapporteur awaits more precise written information to be submitted by the Government.

Philippines: De facto states of emergency lasting only a few days were proclaimed in February 1986 during the revolution and at the time of the attempted coup d'état of 28 August 1987.

Sources: Letter from the Government dated 10 December 1987.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 22).

** See also paragraphs 33 and 34 below.

State of national emergency proclaimed on 6 December 1989. Ended on 7 June 1990.**

Sources: Letters from the Government dated 2 April 1991 and 21 September 1992.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Russian Federation:* On 19 April 1991, a state of emergency was introduced in Vladikavkaz (North Ossetia) for a period of one month and subsequently extended until 19 September, 19 December 1991, 19 April and 10 August 1992.

On 13 June 1991, a state of emergency was introduced in Makhachkala, the capital city of Dagestan, for a period of one month.

On 19 August 1991, a state of emergency was declared in some parts of the USSR for six months by the newly established State Committee for Emergency Situations. On 22 August 1991, all decrees of this Committee were cancelled by the President of the USSR.***

Sources: Statement made by the observer for the USSR at the forty-third session of the Sub-Commission, on 30 August 1991; information received from non-governmental organizations; information published in the press.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12 and annex II).

From 11 to 28 September 1991, a state of emergency was in force in the Kazbek district of Dagestan.

Repeated introduction of states of emergency in the Chechen Republic. A curfew was imposed on 10 February 1992 in its capital, Grozny, for 30 days.

In May 1992, a state of emergency was introduced in Makhachkala and Kizilyourt cities of Dagestan.

On 10 June 1992, a state of emergency was introduced in several districts of the North Ossetia; curfew imposed in Vladikavkaz.

** See also paragraphs 37 and 38 below.

*** See also paragraphs 26-32 below.

Sources: Letter from the Permanent Mission of the Russian Federation in Geneva, dated 27 July 1992 regarding the introduction of the state of emergency in the North Ossetia; information received from non-governmental organizations and published in the press. In a letter dated 19 May 1992, addressed to the Government of the Russian Federation, the Special Rapporteur requested more detailed information regarding the emergency measures taken in some parts of the country and their impact on human rights.

On 27 September 1992, a state of emergency was proclaimed in Nalchik, the capital city of Kabardino-Balkaria, for a period of two months; its actual introduction was, however, suspended.

On 2 November 1992, a state of emergency was introduced in the North Ossetia and in the Ingush republic for a period of one month.

Sources: Information published in the press.

Rwanda:* State of siege declared in October 1990.

Sources: Statement by the Minister of Justice of Rwanda of 17 January 1991; information received from non-governmental organizations and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Senegal: State of emergency was proclaimed from 29 February to 20 May 1988 and from 28 April to 19 May 1989.

Sources: Letters from the Government dated 20 September 1988 and 15 January 1990.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 28; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Sierra Leone:* State of emergency declared on 2 November 1987. Renewed on 8 March 1988.

Sources: Information received from a non-governmental organization.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 30 April 1992, a state of emergency was declared and a curfew imposed.

Sources: Information received from a non-governmental organization and published in the press. In a letter dated 19 May 1992, addressed to the Government of Sierra Leone, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

Singapore: Emergency legislation currently in force which expressly provides for preventive detention.

Sources: Letter from the Government dated 18 August 1989; information received from non-governmental organizations.

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Somalia:* Emergency regulations in force in areas affected by armed conflict.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12)

South Africa: State of emergency in 36 magisterial districts was proclaimed on 21 July 1985. A country-wide state of emergency has existed since 12 June 1986. Successive proclamations or extensions of states of emergency as well as lifting of some emergency regulations took place in 1987, 1988, 1989 and 1990.

On 7 June 1990, the state of emergency was lifted in all areas of the country, except Natal. The lifting of the state of emergency in Natal province was announced on 18 October 1990.

Sources: Letters from the Government dated 1 September 1988 and 6 July 1989 (cf. E/CN.4/Sub.2/1989/45); information submitted by the Special Committee against Apartheid; information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; doc. E/CN.4/Sub.2/1987/19/Rev.1/Add.2, Chapter IV.B; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 23; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.1, para. 18 and annex I; doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21 and annex I).

On 28 October 1991, a state of emergency was imposed throughout the Ciskei.

Sources: Report of the Ad Hoc Working Group of Experts on southern Africa (doc. E/CN.4/1992/8, para. 167). 4/

The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Sri Lanka:* State of emergency proclaimed on 18 May 1983. Terminated on 11 January 1989.

State of emergency declared on 20 June 1989. Still in force.

Sources: Notifications of the Government to the Secretary-General of the United Nations dated 21 and 23 May 1984 and 13 January and 18 August 1989; letter from the Government dated 11 April 1991; Report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1992/18/Add.1, paras. 60-72 and 195).

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 41 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Sudan:* States of emergency proclaimed on 6 April 1985, 25 July 1987 and 30 June 1989. Still in force.

Sources: Notification of the Government to the United Nations Secretary-General dated 13 February 1991; report of Sudan submitted to the Human Rights Committee, dated 15 February 1991 (doc. CCPR/C/45/Add.3); information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Suriname: State of emergency was in force from August 1980 to 25 February 1986. On 1 December 1986, state of emergency was proclaimed in the eastern part of the country. Terminated on 1 September 1989.

Sources: Letters from the Government dated 5 December 1986 (reproduced in doc. A/41/958), 13 March and 24 June 1991; information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 40 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18 and 22; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Syrian Arab Republic:* State of emergency proclaimed on 8 March 1963. Still in force.

Sources: Information received from non-governmental organizations. The Special Rapporteur awaits more precise information to be submitted by the Government.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Tajikistan:* In July 1989, a curfew was introduced in Isfara region.

On 12 February 1990, a state of emergency was declared in the capital, Dushanbe. Lifted on 29 June 1991.

On 23 September 1991, a state of emergency was introduced throughout the republic. Lifted on 30 September 1991.

Sources: Notification of the Government of the USSR to the United Nations Secretary-General dated 23 March 1990; information received from non-governmental organizations and published in the press.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

State of emergency proclaimed and a curfew introduced on 5 May 1992. Lifted on 7 May 1992.

Sources: Information published in the press. In a letter dated 19 May 1992, addressed to the Government of Tajikistan, the Special Rapporteur requested more detailed information regarding the emergency measures taken and their impact on human rights.

In September 1992, a state of emergency was introduced in several districts and towns of Kurgan-Tyube and Kuliab provinces.

On 23 October 1992, a state of emergency and a curfew were decreed in the capital, Dushanbe.

Sources: Information published in the press. In a letter dated 28 October 1992, the Special Rapporteur once again requested the Government of Tajikistan to provide information regarding the emergency measures taken and their impact on human rights.

Thailand: Martial law introduced on 23 February 1991. Lifted on 3 May 1991.

Sources: Statement by the observer for Thailand at the forty-third session of the Sub-Commission, on 22 August 1991; information published in the press.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 18 May 1992, a state of emergency was introduced in Bangkok and surrounding provinces. Lifted on 26 May 1992.

Sources: Letter from the Government dated 22 July 1992, received in reply to Special Rapporteur's request for information of 19 May 1992. Information published in the press.

Togo: In April 1991, a curfew was introduced in Lomé, capital of the republic.

Sources: Information published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Trinidad and Tobago: State of emergency proclaimed on 28 July 1990. On 10 August 1990, it was extended for a further period of 90 days.

Sources: Notification of the Government to the Secretary-General of the United Nations dated 15 August 1990.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Turkey:* Martial law, which was introduced on 26 December 1978 in 13 provinces, was proclaimed throughout the entire territory on 12 September 1980. As at 1 January 1985, it was in force in 34 provinces. By 19 July 1987 martial law was lifted throughout the country. In 1985-1987, in certain provinces, martial law was replaced by a state of emergency which is currently in force in 10 provinces in south-east Anatolia.

Sources: Letters from the Government dated 9 June 1987, 19 July 1988 and 15 February 1991; information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, paras. 27, 39, 43 and annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Uganda: The existence of a de facto state of emergency has been reported, related particularly to the application of the Public Order and Security Act of 1967.

Sources: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

United Kingdom of Great Britain and Northern Ireland:* Since 1974, a public emergency exists relating to the affairs of Northern Ireland.

Sources: Notification of the Government to the United Nations Secretary-General dated 23 December 1988; and 23 March 1989; communication from the Government received by the Secretary-General on 18 December 1989; reports to the Human Rights Committee (latest documents: CCPR/C/58/Add.6, paras. 57-60; CCPR/C/58/Add.12, para. 18).

(Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, para. 18; Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, para. 21; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

United States of America: States of emergency proclaimed and curfews imposed in Los Angeles, San Francisco, Las Vegas, Atlanta and some other places for short periods at the end of April-beginning of May 1992.

Sources: Letter from the Government dated 1 June 1992, received in reply to Special Rapporteur's request for information of 18 May 1992; 5/ Information published in the press.

Uzbekistan: On 4 June 1989, a curfew was introduced in several townships of Fergana district.

Sources: Information received from a non-governmental organization and published in the press. The Special Rapporteur awaits more precise information to be submitted by the Government.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

Venezuela: Emergency measures and suspension of certain constitutional guarantees were decreed on 28 February 1989.

On 22 March 1989, all the constitutional safeguards were re-established.

Sources: Notifications of the Government to the United Nations Secretary-General dated 17 and 31 March 1989; letters from the Government dated 3 and 18 April 1989 and 7 December 1990.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 4 February 1992, certain constitutional guarantees were suspended. On 13 February 1992, a partial restoration of previously suspended guarantees was decreed. By a decree dated 9 April 1992, the President of the Republic has restored all constitutional guarantees.

Sources: Notifications of the Government to the United Nations Secretary-General dated 4 and 21 February and 24 April 1992; letter from the Government dated 11 February 1992.

Yugoslavia:* On 28 March 1989, special measures involving suspension of freedoms of assembly and movement were introduced in the province of Kosovo. On 18 April 1990, all the emergency measures in the territory of the province were lifted.

Sources: Notifications of the Government to the United Nations Secretary-General dated 14 April 1989, 29 May 1989, 19 March 1990 and 24 April 1990.

(Third report, doc. E/CN.4/Sub.2/1989/30/Rev.2, paras. 21 and 24; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

On 18 October 1991, the "existence of an immediate threat of war" was established by the decision of the Presidency of the SFRY throughout the territory of the country.

Sources: Letters from the Government dated 18 and 21 February 1992.

Except for Slovenia, the other newly emerged States of Croatia and Bosnia-Herzegovina, which made up the former Yugoslavia, found themselves in a de facto state of emergency at the moment of their transition to independence.

Zaire: In a letter dated 28 October 1991, addressed to the Government of Zaire, the Special Rapporteur requested more detailed information regarding the emergency measures taken in connection with September riots in the country, and their impact on human rights.

(Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

A non-governmental source later advised the Special Rapporteur that those measures did not constitute a state of emergency and were of very short duration. The Special Rapporteur therefore awaits more precise information to be submitted by the Government.

Zambia: State of emergency introduced on 27 July 1964. Lifted in 1991.

Source: Information received from a non-governmental organization. The Special Rapporteur awaits more precise information to be submitted by the Government.

Zimbabwe: State of emergency, which has been in force since November 1965, was lifted on 25 July 1990.

Sources: Letters from the Government dated 23 March and 12 July 1988; information received from non-governmental organizations.

(First report, doc. E/CN.4/Sub.2/1987/19/Rev.1, para. 30 and Annex I; Second report, doc. E/CN.4/Sub.2/1988/18/Rev.1, paras. 18, 26 and 35 and annex I; Fourth report, doc. E/CN.4/Sub.2/1991/28/Rev.1, para. 12).

14. The Special Rapporteur is aware of the possibility that the existence of a state of emergency in other countries might not have come to his knowledge and trusts that the cooperation of States and intergovernmental and non-governmental organizations in the procedure being applied will soon enable him to give a full account of the situation worldwide.

II. OBSERVATIONS AND COMMENTS

15. Among the many comments that might be made regarding the preceding list, we shall begin with the finding that we consider the most obvious and significant: the geographical diversity, the breadth and the extent of the phenomenon of states of emergency. From 1985 to the present (the period covered by the Special Rapporteur's mandate), 80 States, i.e. nearly half of the States making up the United Nations system, have been obliged to adopt emergency measures to deal with crisis situations. Countries with long democratic traditions and institutional stability, such as Canada, Venezuela and the United States of America, have not been spared this situation, and thus are included in the long list of countries that have had to proclaim a state of emergency to meet a crisis and restore normality.

16. Another genuinely surprising observation is what is happening in this area to a large number of the republics that made up the former Soviet Union. Many of them are currently under emergency regimes and nearly all of the republics acceded to independence in very critical situations that led to the adoption of emergency measures. This circumstance, disturbing in itself, should be examined in the context of a rapidly shifting political context and an extremely fragile and unclear juridical context. In fact, none of those newly born States has a body of domestic legislation adapted to the international norms governing the legality of states of emergency.

17. This lack had already been pointed out to the Special Rapporteur by the authorities of the former Soviet Union themselves, who stressed at the time the importance of receiving technical assistance in the framework of the advisory services provided by the United Nations.** To date almost none of the newly independent States has revised its legislation in this area, but some have already announced their intention of making changes, such as the reformulation of the Constitution of Armenia. This is a very encouraging development since it provides the new authorities with the opportunity to introduce substantial reforms, not only at the institutional level but also in the human rights sphere, and to strengthen the protection of human rights during periods of crisis or emergency.

18. The need to set precise limits in order to prevent abuse of emergency measures is clearly expressed as one of the central concerns of the final document that was adopted in Moscow last autumn in the form of recommendations.

19. At this Meeting, which was held from 10 September to 4 October 1991, the representatives of the participating States of the Conference on Security and Cooperation in Europe (CSCE) approved a Document which contains, in its paragraphs 28 to 28.10, a number of provisions relating to the state of public emergency.

** See also paragraphs 27 to 32 below.

20. The Special Rapporteur wishes to indicate that all the basic principles and criteria concerning the legality of the state of emergency in international law, which had been formulated in his previous reports, were fully confirmed in the Document of the Moscow Meeting. Thus, the Document contains provisions relating, inter alia, to the principles of proclamation and legality (para. 28.2), the principle of exceptional threat (para. 28.1), the principle of proportionality (para. 28.7), and the principle of non-discrimination. The principle of notification is reflected in paragraph 28.10 of the Document which provides for the obligation of a participating State, when a state of public emergency is declared or lifted, to immediately inform the appropriate CSCE institution of this decision.

21. The full text of the above-mentioned paragraphs of the Moscow Meeting Document is reproduced in annex I.

III. RECOMMENDATIONS

22. Regarding the situation created by the proliferation of emergency regimes in the countries that made up the former Soviet Union, and especially the lack of appropriate juridical norms on this question, the Commission on Human Rights should invite the States concerned to request advisory services from the United Nations Centre for Human Rights at Geneva. A few countries, such as Romania, have already availed themselves of these services very profitably, and the Special Rapporteur has had the opportunity to provide advisory services in this field during the preparatory activities for the constitutional reform. Under similar circumstances, although on another continent, advisory services were provided by the Special Rapporteur to the Governments of Colombia and Paraguay during their respective constitutional reforms.

23. Similarly, bearing in mind what was stated earlier concerning the breadth of states of emergency, and especially the various observations made in his four previous reports, the Special Rapporteur recommends that the Commission on Human Rights should propose the inclusion in the agenda of the forthcoming World Conference on Human Rights of an item entitled "Strengthening of protection of human rights during states of emergency". 6/

IV. ACTION UNDERTAKEN BY THE SPECIAL RAPPORTEUR UNDER THE PROCEDURE ESTABLISHED IN HIS WORKING METHOD

A. Emergency communication system

24. Further speeding up the procedure of consultation of the sources authorized under his mandate (Governments, non-governmental and intergovernmental organizations, etc.), whenever the Special Rapporteur has learned, generally through the international press, of the adoption by a Government of emergency measures involving prima facie restriction of the exercise of human rights (partial suspension of the Constitution, curfew, etc.) he has immediately addressed that Government, through the Secretary-General, requesting specific and detailed information on the nature of the measures in force, the legal basis for them and, above all, the effect they are having or have had on human rights in general.

25. This was the procedure followed in the case of recent events in Sierra Leone, Thailand, the United States of America and some of the newly independent States which made up the former Soviet Union.

1. Former Union of Soviet Socialist Republics

26. The action taken by the Special Rapporteur in connection with the events which took place in the former Soviet Union from 19 to 22 August 1991 has been described in detail in the fourth revised report (E/CN.4/Sub.2/1991/28/Rev.1, annex II) submitted to the Commission on Human Rights at its forty-eighth session. Briefly, it should be recalled that it was during the forty-third session of the Sub-Commission, while the Sub-Commission was meeting, that the failed coup d'état attempt in the former Soviet Union took place. On that occasion, the Special Rapporteur sent an urgent note to the de facto authorities requesting, in particular, precise information on the legality of the measures adopted and their impact on human rights. A few days later, once the attempted coup d'état had been put down, the observer delegation of the Soviet Union informed the Sub-Commission of the course of events and thanked the experts for their determination and the promptness with which they had considered the question. At the forty-eighth session of the Commission on Human Rights, the head of the delegation of the Russian Federation said, in particular, that the problem of guaranteeing human rights in emergency situations was of special significance in his country and observed: "We appreciate the efforts by the Special Rapporteur on human rights and states of emergency to make the protection of human rights under any circumstances more effective." The delegation expressed its concern with regard to the ongoing practice of declaring a state of emergency or of quasi-emergency in certain regions of the former Soviet Union and stated: "The absence of up-dated and detailed information on such a state declared in these regions constitutes an infringement of the International Covenant on Civil and Political Rights and it precludes [assessing] the level and volume of the limitations imposed upon human rights. The experience of many countries, including our own, has manifested the danger of disregard of such breaches of law."**

** See also paragraphs 16 and 17 above.

27. Following upon the position taken by him in his report on states of emergency on the events that occurred in the former Soviet Union after the attempted coup d'etat of 19-21 August 1991, the Special Rapporteur was able, in the context of the advisory services of the Centre for Human Rights, to visit Moscow from 1-4 September 1992 at the invitation of the authorities of the Russian Federation.

28. In the course of this visit, the Special Rapporteur discussed issues relating to the introduction and application of the state of emergency in the country with several senior officials of the Russian Federation. He had in-depth meetings notably in the Supreme Council (Parliament), the Office of the Procurator-General, the Ministry of the Interior and the Ministry of Foreign Affairs. He also had meetings with parliamentarians and representatives of non-governmental organizations.

29. All these meetings highlighted the genuine concern of the authorities of the Russian Federation to bring legislation and practice in respect of states of emergency into line with the standards and rules established by the International Covenant on Civil and Political Rights, ratified by that country, as well as with the suggestions made by the Special Rapporteur.

30. Reference was thus made to several specific situations, including that of the Chechen Republic and other areas in the northern Caucasus where the tensions that had been observed could give rise to emergency situations. On that occasion, the Russian authorities indicated their concern for moderation and their desire to treat this kind of case in a way that would avoid aggravating the situation. For instance, the emergency measures decided in respect of the Chechen Republic some months earlier were finally cancelled by the central Government.

31. It was also noted that the current general climate, which is conducive to states of emergency, was due largely not only to the events in certain regions of the Russian Federation itself but also to the conflicts which are currently taking place in the former Soviet republics along the frontiers of the Federation, which have direct repercussions on the situation in the Federation. The most alarming consequences of this situation include the departure of part of the Russian-speaking population as a result of the heightened insecurity, anti-Russian demonstrations and other causes. In view of the direct link existing between the conflicts that are developing on the frontier of the Russian Federation and the tensions occurring inside the Federation and the direct link between these situations and the possible adoption of emergency measures, the Special Rapporteur considers that the question in its entirety deserves consideration and he will address it in his next report. The events in Tajikistan at the end of October 1992, where a state of emergency was declared, serve to confirm the Special Rapporteur in this conviction.

32. In view of the constructive nature of the contacts established during this first visit to the Russian Federation and having regard to the invitation extended to him by the authorities of the Republic of Kyrgyzstan, the Special Rapporteur is of the view that a favourable context is being created, enabling useful and fruitful cooperation to be established with the republics of the former Soviet Union within the purview of the human rights advisory services.

2. Peru

33. It should be noted that the system of immediate consultations with Governments, as soon as news of the establishment of a state of emergency is received, through a letter from the Special Rapporteur to the respective accredited missions at Geneva, has not only brought earlier replies in most cases but in others has led the Permanent Representatives to telephone the Special Rapporteur to advise him of the course of events and the contents of the future reply. Such was the attitude of the Permanent Mission of Peru which, in a gesture of cooperation worthy of note, informed the Special Rapporteur of the various measures taken upon and following the dissolution of the parliament and the partial suspension of the Constitution on 5 April 1992.

34. The Special Rapporteur was thus able to follow events with a great variety of information sources at his disposal: on the one hand, non-official information, reporting the great number of human rights violations that an event of this type can entail and indicating cause for alarm at the seriousness of the precedent being established, and, on the other, the official information, stating the Government's will to redirect the country towards legality and democracy. Given such a censurable event as a breach of the institutional order, the Special Rapporteur cannot but welcome the attitude shown by the Peruvian delegation at the latest meeting of the Ministers for Foreign Affairs of the Organization of American States, which took place early last May. On that occasion, OAS unanimously adopted a resolution under which the Government of Peru promised to call constituent elections in five months' time. The new assembly, in addition to amending the Constitution, will be empowered to legislate and to monitor action by the executive.

B. Corrections to the lists of States included in the fourth and fifth annual reports

1. Republic of Korea

35. In the list of States contained in his fourth revised report, the Special Rapporteur has included a reference to the "emergency measures taken in connection with street riots in the capital of the Republic of Korea, caused by clashes between students and the police" (document E/CN.4/Sub.2/1991/28/Rev.1, para. 12). In a letter dated 30 January 1992, addressed to the Centre for Human Rights, the Permanent Mission of the Republic of Korea stated that the Korean Government had never introduced a state of emergency during the period beginning 1 January 1985.

36. The Special Rapporteur has therefore deleted the name of the Republic of Korea from the list of States which have proclaimed, extended or terminated a state of emergency. He would like to express his appreciation to the Government of the Republic of Korea for its cooperation.

2. Philippines

37. In the lists of States contained in his fourth and fifth annual reports, the Special Rapporteur has included, in the entry on the Philippines, a

reference to the "state of national emergency proclaimed on 6 December 1989" which, according to the information available to him, was still in force (documents E/CN.4/Sub.2/1991/28/Rev.1, para. 12; E/CN.4/Sub.2/1992/23, para. 12). In a letter dated 21 September 1992 addressed to the Under-Secretary-General for Human Rights, the Permanent Mission of the Philippines stated that the state of national emergency proclaimed on 6 December 1989 ended on 7 June 1990, or six months after its introduction, as was stipulated in Republic Act No. 6826 which endorsed the Proclamation No. 503 on national emergency.

38. The Special Rapporteur has therefore made the necessary rectification and included the information submitted by the Philippines in the present fifth revised annual report and list of States.

C. Information concerning Ethiopia

39. The Special Rapporteur has earlier expressed his regret at the failure of the Addis Ababa authorities to send either a reply or further information concerning the events reported in his fourth annual report relating to the existence of a de facto state of emergency in Ethiopia. The only information available to him at that time was from non-governmental sources. It was however noted in this connection that it was the non-governmental organizations which informed the Special Rapporteur that a genuine atmosphere of cooperation in the area of human rights was being achieved with the new authorities, for which reason the Special Rapporteur considered it desirable to encourage the Government in this direction.

40. At the forty-fourth session of the Sub-Commission, on 19 August 1992, the observer for Ethiopia made a statement in which information was provided regarding the termination of the state of emergency and the lifting of the curfew which has been imposed by the previous Government.

D. Information concerning the territories occupied by Israel

41. In accordance with the methods and procedures applied by the Special Rapporteur, a summary table of the information received with regard to the territories occupied by Israel was transmitted, on 5 December 1990, to the Government of Israel in order to obtain its reaction and comments. In a letter dated 28 May 1991, the Government of Israel stated, inter alia, that

> "the administration by Israel of Judea-Samaria is based on the relevant rules and principles of international law concerning the administration of territory, which are not necessarily the same as those relating to states of emergency in municipal systems. The draft submitted, which is said to be based on information received from a number of non-governmental organizations, does not differentiate these two cases. Failure to draw this distinction is a serious methodological and legal flaw and inevitably leads to a distorted and inaccurate picture being presented. The final revision of the document ought to take this fully into account."

42. However, no further information regarding the emergency legislation in force in the occupied territories which could be of some assistance to the Special Rapporteur in his final revision of the document, has been received from the Government of Israel.

E. Letter to the African Commission on Human and Peoples' Rights

43. In order to procure a new and reliable source of information on compliance by States with internal and international rules guaranteeing the legality of the introduction of a state of emergency, the Special Rapporteur addressed, on 26 May 1992, a letter to the President of the African Commission on Human and Peoples' Rights.

44. The attention of the Commission was drawn to the fact that among 22 African States included in the list in the fourth revised report (E/CN.4/Sub.2/1991/28/Rev.1), only seven countries have so far sent notifications to the United Nations Secretary-General or otherwise provided written information containing details of the state of emergency, the nature of the emergency measures taken and their impact on human rights. With regard to the other 15 States, the Special Rapporteur had to draw up and update his list solely on the basis of information published in the press and/or received from non-governmental organizations. The Special Rapporteur therefore sought the cooperation of the African Commission on Human and Peoples' Rights in order to obtain the most recent and accurate information possible with regard to those 15 States as well as other countries of the continent which may have taken emergency measures.

45. The Special Rapporteur has also expressed his wish to establish contacts with the African Commission in order to learn more about its work, in particular with regard to its activities relating to the protection of human rights in periods of emergency.

46. In a letter dated 16 September 1992, the Chairman of the African Commission on Human and Peoples' Rights assured the Special Rapporteur of the full cooperation of the African Commission and described the mandate and composition of the Commission. The Special Rapporteur was informed that, in relation to states of emergency, there was no specific provision in the African Charter on Human and Peoples' Rights. However, the Commission was guided by the recognized international norms in the field of human rights which govern the emergency measures. It was also pointed out that the African Commission on Human and Peoples' Rights would be able to consider issues relating to states of emergency in particular during the consideration of State reports submitted under article 62 of the African Charter or under the communication procedure.

47. Finally, the Chairman of the African Commission on Human and Peoples' Rights stated that he would be communicating to the Special Rapporteur the summaries of States reports which had been submitted so far, bearing in mind the Special Rapporteur's special interest in emergency regimes.

F. Database on states of emergency

48. In paragraph 10 of its resolution 1991/18, the Sub-Commission encouraged the Special Rapporteur to undertake contacts and consultations with appropriate technical institutions and experts with a view to facilitating the receipt, storage and retrieval of information relating to his mandate.

49. Pursuant to this provision, the Special Rapporteur has organized, in cooperation with the Centre for Human Rights, a consultation of experts on the question of establishing a database on states of emergency which was held on 25 February 1992 at the Palais des Nations at Geneva.

50. Participants in the meeting were representatives of several international organizations and academic institutions 7/ competent in the field of computerized data processing. Discussions were held on such issues as methods of data collection, the choice of language for entries, form and contents of possible computerized databases, their potential users and their development, as well as modalities for organizing and financing a permanent database and its location and management. The participants were made acquainted with a database feasibility study undertaken by a team in the Law Faculty of Queen's University of Belfast. In the opinion of the Special Rapporteur, this important work, which is still to be completed, deserves support and encouragement.

51. Various views were expressed and proposals put forward regarding the many practical problems associated with establishing an internationally accessible database. Emphasis was placed on the necessity for the development by the Centre for Human Rights of its own general database on human rights, of which states of emergency could be a component.

52. The Special Rapporteur considered that this meeting of experts was extremely useful from the point of view of his future activities relating to the implementation of his mandate. He fully supports the proposal to convene, tentatively on 2-3 March 1993 at the Palais des Nations in Geneva, an international conference of interested bodies to decide on the future organization and location of any permanent database.

53. In paragraph 9 of its resolution 1992/22, the Sub-Commission invited the Special Rapporteur to continue and expand his contacts and to hold consultations with appropriate technical institutions and experts with a view to receiving, storing and retrieving information relating to matters relevant to his mandate.

G. Guidelines for national legislation

54. The Special Rapporteur has received and continues to receive extremely valuable and pertinent observations, from both governmental and non-governmental sources, concerning the draft "Guidelines for the development of legislation on states of emergency", and hopes to be in a position to present in his next reports much fuller draft guidelines than those contained in his fourth annual report.

H. Non-derogable rights

55. Somewhat similar comments might be made concerning paragraph 8 of Sub-Commission resolutions 1991/18 and 1992/22, which request the Special Rapporteur to examine the question of non-derogable rights, i.e. those from which there can be no derogation whatsoever, whatever the cause or gravity of the emergency. In view of the complexity of this topic, the special Rapporteur has planned to meet at Geneva, in mid-March 1993, with a group of specialists in the field, for the purpose of improving the contents of his next report.

Notes

1/ Subsequently, by its resolution 1987/25, the Sub-Commission decided to examine this issue, as a matter of high priority, under the agenda item "The administration of justice and the human rights of detainees: (b) Question of human rights and states of emergency".

2/ In drawing up this list, the Special Rapporteur also took into account those countries which have and apply ordinary legislation empowering the executive to adopt emergency measures (such as administrative or ministerial detention for long periods) without the need for official proclamation of a state of emergency in order to do so.

3/ In a letter dated 20 November 1991, the Permanent Mission of Haiti in Geneva stated that it "... does not maintain any contacts with the 'de facto' authorities installed by the putschists on 30 September", and therefore it was not in a position to provide the Special Rapporteur with any official texts of this Government.

4/ In the same report (para. 168), the Working Group of Experts referred also to the information received from a non-governmental organization, according to which the Public Safety Act of 1953 had been invoked on 24 August 1990, whereby a total of 36 magisterial districts, encompassing 52 black townships, were declared "unrest areas". Of these, 15 remain under this restriction. "Unrest areas" are, in reality, mini-"states of emergency" and the corresponding regulations include:

(i) Detention without trial;

(ii) Curfew and other restrictions on movement;

(iii) Prohobition of gatherings (for example, in May 1991, open-air gatherings in "unrest areas" were prohibited for two weeks under the Unrest Regulations).

5/ In this letter, the Government of the United States of America, inter alia, stated that:

> "... the actions taken in response to the recent civil disturbances in several United States cities did not constitute a 'public emergency'

within the meaning of article 4 of the International Covenant on Civil and Political Rights, or a 'state of emergency' to the extent that this term is understood in international law as implying a derogation from or suspension of human rights.

"In particular, the actions did not purport to and in fact did not affect: the right to life; the prohibition against torture and cruel, inhuman or degrading treatment or punishment; the prohibition against slavery and servitude; the right to freedom of thought, conscience, and religion; and other non-derogable rights. Nor did the actions purport to or in fact affect the rights of criminal defendants concerning protection from arbitrary arrest and detention, judicial oversight of arrest and detention, and other criminal procedure safeguards.

"To the extent that the actions taken in instituting curfews may be deemed to concern the right to liberty of movement guaranteed by article 12 of the International Covenant on Civil and Political Rights, we note that the limited actions taken were within the scope of the right as defined in article 12, in that they were pursuant to and within the limits of relevant law, clearly justified and necessary to protect public order, and consistent with the continued enjoyment and protection of other rights."

It was further explained by the Government that

"most actions in response to the civil disturbances were taken by local authorities. They did not purport to, and in fact could not derogate from rights guaranteed by the Constitution or federal law.

"At the national level, the president declared that existence of a 'major disaster'. This declaration has the function of making certain federal assistance available and has no bearing on the enjoyment of human rights."

6/ In paragraph 5 of its resolution 1992/22, the Sub-Commission endorsed this recommendation of the Special Rapporteur.

7/ Among them were the Office of the United Nations High Commissioner for Refugees, Amnesty International, Article 19, Human Rights Advocates, the International Commission of Jurists, the Lawyers Committee for Human Rights, the International Committee of the Red Cross and Queen's University of Belfast.

Annex I

EXCERPTS FROM THE DOCUMENT OF THE MOSCOW MEETING OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CONFERENCE ON SECURITY AND COOPERATION IN EUROPE*

(28.1) The participating States reaffirm that a state of public emergency is justified only by the most exceptional and grave circumstances, consistent with the State's international obligations and CSCE commitments. A state of public emergency may not be used to subvert the democratic constitutional order, nor aim at the destruction of internationally recognized human rights and fundamental freedoms. If recourse to force cannot be avoided, its use must be reasonable and limited as far as possible.

(28.2) A state of public emergency may be proclaimed only by a constitutionally lawful body, duly empowered to do so. In cases where the decision to impose a state of public emergency may be lawfully taken by the executive authorities, that decision should be subject to approval in the shortest possible time or to control by the legislature.

(28.3) The decision to impose a state of public emergency will be proclaimed officially, publicly, and in accordance with provisions laid down by law. The decision will, where possible, lay down territorial limits of a state of public emergency. The State concerned will make available to its citizens information, without delay, about which measures have been taken. The state of public emergency will be lifted as soon as possible and will not remain in force longer than strictly required by the exigencies of the situation.

(28.4) A de facto imposition or continuation of a state of emergency not in accordance with provisions laid down by law is not permissible.

(28.5) The participating States will endeavour to ensure that the normal functioning of the legislative bodies will be guaranteed to the highest possible extent during a state of public emergency.

(28.6) The participating States confirm that any derogation from obligations relating to human rights and fundamental freedoms during a state of public emergency must remain strictly within the limits provided for by international law, in particular the relevant international instruments by which they are bound, especially with respect to rights from which there can be no derogation.

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* See chapter II, paras. 18-21 above.

(28.7) The participating States will endeavour to refrain from making derogations from those obligations from which, according to international conventions to which they are parties, derogation is possible under a state of emergency. Measures derogating from such obligations must be taken in strict conformity with the procedural requirements laid down in those instruments. Such measures will neither go further nor remain in force longer than strictly required by the exigencies of the situation; they are by nature exceptional and should be interpreted and applied with restraint. Such measures will not discriminate solely on the grounds of race, colour, sex, language, religion, social origin or of belonging to a minority.

(28.8) The participating States will endeavour to ensure that the legal guarantees necessary to uphold the rule of law will remain in force during a state of public emergency. They will endeavour to provide in their law for control over the regulations related to the state of public emergency, as well as the implementation of such regulations.

(28.9) The participating States will endeavour to maintain freedom of expression and freedom of information, consistent with their international obligations and commitments, with a view to enabling public discussion on the observance of human rights and fundamental freedoms as well as on the lifting of the state of public emergency. They will, in conformity with international standards regarding the freedom of expression, take no measures aimed at barring journalists from the legitimate exercise of their profession other than those strictly required by the exigencies of the situation.

(28.10) When a state of public emergency is declared or lifted in a participating State, the State concerned will immediately inform the CSCE Institution** of this decision, as well as of any derogation made from the State's international human rights obligations. The Institution will inform the other participating States without delay.

** The Council will take the decision on the institution.

Annex II

LIST OF REPLIES AND OTHER COMMUNICATIONS RECEIVED*

A. Governments

Armenia	10 July 1992
Colombia	24 July and 5 September 1992
Haiti	20 November 1991
Moldova	25 June 1992
Myanmar	18 August, 28 September and 7 and 19 October 1992
Peru	1 and 23 October; 4 and 13 November 1991; 15, 21, 23 and 27 January; 16, 18 and 27 March; and 3 April and 25 August 1992
Philippines	21 September 1992
Russian Federation	27 July 1992
United States of America	1 June 1992
Yugoslavia	18 and 21 February 1992

B. Intergovernmental organizations

African Commission on Human and Peoples's Rights	16 September 1992

C. Non-governmental organizations

Amnesty International	26 February and 10 March 1992
International Federation of Human Rights	13 May 1992

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* Since November 1991, when the fourth revised report was issued (E/CN.4/Sub.2/1991/28/Rev.1).

Annex III

LIST OF SPECIALIZED PUBLICATIONS RECEIVED FROM AMNESTY INTERNATIONAL

AFRICA

Cameroon	Human rights developments during the first half of 1991 (AI Index: AFR 17/07/91)	September 1991
Cameroon	Torture and ill-treatment (AI Index: AFR 17/09/91)	November 1991
Ethiopia	End of an era of brutal repression - a new chance for human rights (AI Index: AFR 25/05/91)	May 1991
Kenya	Kenneth Matiba, A prisoner of conscience (AI Index: AFR 32/05/91)	February 1991
Kenya	Charles Rubia, A prisoner of conscience (AI Index: AFR 32/06/91)	February 1991
Kenya	Raila Odinga, A prisoner of conscience (AI Index: AFR 32/07/91)	February 1991
Niger	Summary of Amnesty International's concerns in 1991 (AI Index: AFR 43/01/91)	October 1991
Rwanda	Amnesty International's concerns since the beginning of an insurgency in October 1990 (AI Index: AFR 47/05/91)	March 1991
South Africa	Human rights violations and the security forces - a problem of accountability (AI Index: AFR 53/14/91)	April 1991
South Africa	Statement by Amnesty International to the United Nations Ad Hoc Working Group of Experts on southern Africa (AI Index: AFR 53/27/91)	July 1991
South Africa	Oral statement by Amnesty International to the United Nations Commission on Human Rights at its forty-eighth session (AI Index: AFR 53/03/92)	January 1992

AMERICAS

Haiti	The human rights tragedy - Human rights violations since the coup (AI Index: AMR 36/03/92)	January 1992
Peru	Eight years of "disappearances" (AI Index: AMR 46/36/91)	July 1991
Peru	Mass human rights violations continue under new government (AI Index: AMR 46/37/91)	July 1991
Peru	Human rights in a climate of terror (AI Index: AMR 46/56/91)	November 1991

ASIA

Bangladesh	Human rights safeguards (AI Index: ASA 13/02/91)	March 1991
Cambodia	Killings of demonstrators (AI Index: ASA 23/01/92)	January 1992
India	Human rights violations in Punjab: use and abuse of the law (AI Index: ASA 20/11/91)	May 1991
Macao	Strengthening human rights safeguards Memorandum from Amnesty International to the Basic Law Drafting Committee (AI Index: ASA 27/01/91)	November 1991
Malaysia	"Rehabilitation" of communists (AI Index: ASA 28/01/91)	April 1991
Malaysia	Administrative detention of Sabahans (AI Index: ASA 28/08/91)	October 1991
Myanmar	Arrests and trials of political prisoners (AI Index: ASA 16/19/91)	January-July 1991 December 1991
Myanmar	A long-term human rights crisis (AI Index: ASA 16/03/92)	January 1992
Sri Lanka	Amnesty International's current concerns in Sri Lanka (AI Index: ASA 37/07/91)	March 1991
Sri Lanka	Summary of human rights concerns during 1991 (AI Index: ASA 37/01/92)	January 1992

EUROPE

Turkey	Measures of Repression in Payamli Village, Southeast Turkey (AI Index: EUR 44/88/91)	July 1991
Turkey	Amnesty International's principal concerns in respect of Turkey's new Anti-Terror Law (AI Index: EUR 44/129/91)	September 1991
Turkey	Solitary confinement for political prisoners (AI Index: EUR 44/156/91)	October 1991
United Kingdom	Recent allegations of ill-treatment in Northern Ireland (AI Index: EUR 45/11/91)	September 1991
United Kingdom	Allegations of ill-treatment in Northern Ireland (AI Index: EUR 45/19/91)	November 1991
USSR	Recent allegations of ill-treatment by law enforcement officials in the Republic of Azerbaijan (AI Index: EUR 46/53/91)	August 1991

MIDDLE EAST

Egypt	Summary of Amnesty International's concerns in 1991 (AI Index: MDE 12/27/91)	September 1991
Egypt	Ten years of torture (AI Index: MDE 12/18/91)	October 1991
Egypt	Security police detentions undermine the rule of law (AI Index: MDE 12/01/92)	January 1992
Israel and the Occupied Territories	Oral statement to the United Nations Commission on Human Rights on the Israeli Occupied Territories (AI Index: MDE 15/04/92)	January 1992
Jordan	Amnesty International's concerns in Jordan (AI Index: MDE 16/02/91)	June 1991